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January 28, 2008

**VIA E-FILING**

The Honorable Sue L. Robinson  
United States District Court  
District of Delaware  
844 King Street  
Wilmington, DE 19801

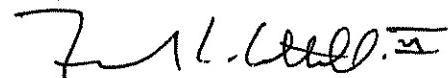
**Re: Medpointe Healthcare Inc. v. Apotex Inc. and**  
**Apotex Corp., C.A. 06-164-SLR**

Dear Judge Robinson:

Following-up on the status conference in the above-captioned case, the parties have agreed to the enclosed form of Order resetting the dates for the filing of the pretrial order, the pretrial conference and trial. After that conference, Medpointe learned that one of its experts, Dr. Dalby, is not available the week of May 5. After discussions with Apotex, we have agreed, subject to Your Honor's calendar, to present his testimony on the morning of April 25, the day after pretrial or on April 24 before the pretrial. In the alternative, Dr. Dalby is available on May 22 or 23. If he testifies one of the days in late May, the parties agree that briefing still will be conducted pursuant to the Court's standing order on the timing of briefs, with the trigger date being the date the parties receive the May 9 transcript. Mr. Horwitz and I can follow-up with the Court about its availability those days.

If the Order is acceptable to Your Honor, the parties would appreciate that Your Honor fill in the date and time for Dr. Dalby's testimony, execute it and file it with the Clerk's office. Please do not hesitate to call with any questions. Thank you.

Respectfully,



Frederick L. Cottrell, III

FLC,III/afg

Enclosure (1)

cc: Richard L. Horwitz, Esquire (via e-filing and hand delivery)  
Robert B. Breisblatt, Esquire (via telecopy)  
Peter J. Armenio, Esquire (via telecopy)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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MEDPOINTE HEALTHCARE INC.,	)	
	)	
Plaintiff,	)	
	)	
	)	
v.	)	C. A. No. 06-164-SLR
	)	
APOTEX INC. and APOTEX CORP.,	)	
	)	
Defendants.	)	

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**ORDER**

The Court having held a status conference with the parties concerning pretrial and trial,

IT IS HEREBY ORDERED that the previous dates set by the Court for submission of the pretrial order, the pretrial conference, and the trial are vacated and are now set as follows:

- (1) The pretrial order will be filed on or before April 21, 2008 in conformance with the Local Rules;
- (2) The pretrial conference will be held on April 24, 2008 at 4:30 p.m. in Courtroom 6B;
- (3) The examination of Dr. Dalby will be held on \_\_\_\_\_, 2008 at \_\_\_\_\_ in Courtroom 6B;
- (4) A five (5) day bench trial will commence on May 5, 2008 beginning at a time to be set by the Court during the pretrial conference.

Dated: \_\_\_\_\_ The Honorable Sue L. Robinson